

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH MYERS,

Plaintiff,

No. 08-CV-15203-DT

vs.

Hon. Gerald E. Rosen

MICHIGAN DEPT. OF CORRECTIONS
PAROLE BOARD,

Defendant.

_____ /

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT

At a session of said Court, held in the
U.S. Courthouse, Detroit, Michigan
on August 31, 2009

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This matter having come before the Court on the July 27, 2009 Report and Recommendation of United States Magistrate Judge R. Steven Whalen recommending that the Court grant Defendant's Motion to Dismiss and/or for Summary Judgment, and dismiss Plaintiff's Complaint in its entirety, with prejudice; and no timely objections to the Magistrate Judge's Report and Recommendation having been filed; and the Court having reviewed the Magistrate Judge's Report and Recommendation, and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, Defendant's Motion should be granted and this case should, accordingly, be dismissed in its

entirety, as recommended by the Magistrate Judge; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of July 27, 2009 [**Dkt. # 13**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendants' Motion to Dismiss and/or for Summary Judgment [**Dkt. # 9**] be, and hereby is, GRANTED. Plaintiff's Complaint is, accordingly, DISMISSED, in its entirety, with prejudice.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: August 31, 2009

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:
Charles C. Schettler, Jr., and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

Kenneth Myers, #448364, Cooper Street Correctional Facility, 3100 Cooper Street, Jackson, Michigan 49201.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(313) 234-5137